

May 25, 1973

CLERK: Mr. President, I wish to be excused right after final reading of 583, signed Senator Richendifer.

PRESIDENT: Any objections, so ordered.

CLERK: Explanation of votes, (Read) Mr. President, Senator Chambers asks to have inserted into the Journal a letter from Allen Beermann, as follows, (Read)

PRESIDENT: So ordered.

CLERK: Your committee on enroll and review reports we have examined and review LB 485 and find the same correctly enrolled, 524, correctly enrolled, 533 correctly enrolled, 535, correctly enrolled, 536 correctly enrolled, 562 correctly enrolled, 557 correctly enrolled, 563 correctly enrolled, 563A correctly enrolled, 581 correctly enrolled, 582 correctly enrolled, 583 correctly enrolled.

PRESIDENT: Stand by, just a minute. While legislature is in session capable of transacting business, I have signed Legislative Resolution # (Read)

CLERK: Mr. President, we have legislative resolution #88, introduced by Senator Burbach of the 19th district, (Read)

PRESIDENT: The chair recognizes Senator Burbach.

SENATOR BURBACH: Mr. President, members of the legislature, I ask unanimous consent that we can take this resolution up and consider it this time. I have no idea what our time schedule will be on until Friday, June 1, I will explain the resolution and what it is for and if I may ask for unanimous consent for consideration at this time.

PRESIDENT: Senator Burbach asking unanimous consent for consideration at this time for legislative resolution #88 are there any objections? Hearing none, so ordered. Proceed Senator Burbach.

SENATOR BURBACH: Mr. President, members of the legislature, this resolution is introduced because of a court decision which was announced last, early part of January and LB 534 was a part of it. This is to recognize the intent of this body and its deliberation in 1965 by an amendment place on LB 125 by Senator Carpenter, with concurrence of this body. Now these people have operated in good faith and this is telling them that possibly there would be regress in the courts, in the future, for reconsideration of Supreme court decision and the Norden Laboratory case, as we know it. Recognizing that it was a split decision by the court and we're fully aware of the courts ruling by 5 to 2, had it been 4 to 3, it would not have been a, in the position that it is now. It would, could not have been turned down by the courts and this is saying that this body recognizes what the legislative intent was of LB 125 in 1965. That it was a consideration and the desire of this body, however the wordage, did not comply with the courts decision. So now we are reaffirming our feeling and our statements on this floor, as of 1965 and this is what this resolution would do.

PRESIDENT: Is there any further discussion of the resolution? Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the legislature, I'd like to ask Senator Burbach a question.

PRESIDENT: Senator Burbach, will you yield?

SENATOR SCHMIT: What does this do Senator Burbach in those areas now where there is a student in regard to the, owing of taxes that might have been due under the reasons of the supreme court decision?